

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

v.

No. 23-4705

CARLOS ALSTON,
Appellant.

APPELLEE'S UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSE BRIEF

Appellee Carlos Alston respectfully moves this Honorable Court for an initial twenty-eight-day extension of time for filing the response brief, from March 28, 2024, until April 25, 2024. The government does not oppose this motion. In support of this motion, Mr. Alston shows the Court the following:

1. This is an appeal by government from an order entered in the Eastern District of North Carolina dismissing a charge against Mr. Alston under 18 U.S.C. § 922(g)(3).
2. After three extensions, the government filed its opening brief and joint appendix on March 7, 2024. The government filed a corrected brief and corrected joint appendix on March 12, 2024. Pursuant to this Court's briefing order, the response brief is due by March 28, 2024.

3. Counsel has been preparing the reply brief in *United States v. Wilson*, No. 23-4533, which will be filed in this Court by March 22, 2024. Counsel also has been preparing the opening brief and joint appendix in *United States v. General*, No. 23-4668, which will be filed in this Court by March 22, 2024.

4. Counsel also has been reading the lengthy transcripts in *United States v. Jose Joya Parada*, No. 22-4262(L), in preparation for briefing.

5. Counsel will be out of the country from March 25 through March 29, 2024.

6. Counsel has not had an opportunity to speak with Mr. Alston regarding the government's appeal. Counsel also has not finalized the response brief for Mr. Alston. Counsel needs additional time to communicate with Mr. Alston and to address the multiple issues raised in the government's opening brief. This request is not being made for purposes of delay, but to ensure a careful and thorough presentation of Mr. Alston's case. Mr. Alston has not previously requested an extension of the briefing deadline.

7. For these reasons, Mr. Alston respectfully requests an extension of twenty-eight days to file the response brief.

8. Assistant United States Attorneys David Bragdon and Sarah Elizabeth Nokes, who are representing the United States in this case, have no objection to the relief requested herein.

For these reasons, Mr. Alston respectfully requests that this motion be granted and that the time for filing the response brief be extended until April 25, 2024.

Respectfully submitted this 18th day of March 2024.

Respectfully submitted,

G. ALAN DUBoIS
FEDERAL PUBLIC DEFENDER

/s/ Andrew DeSimone
ANDREW DESIMONE
ASSISTANT FEDERAL PUBLIC DEFENDER
EASTERN DISTRICT OF NORTH CAROLINA
150 Fayetteville Street, Suite 450
Raleigh, NC 27601
(919) 856-4236

CERTIFICATE OF COMPLIANCE WITH TYPE VOLUME AND STYLE LIMITATIONS

This document complies with the type volume limits because it contains fewer than 1,000 words.

This document complies with the typeface and type style requirements because it has been prepared in a proportionally spaced typeface using Microsoft 365 in size 14 Garamond font.

/s/ Andrew DeSimone
ANDREW DESIMONE